



United States Department of the Interior

NATIONAL PARK SERVICE

Glacier Bay National Park and Preserve

P.O. Box 140

Gustavus, AK 99826-0140

Tel: 907-697-2230

Fax: 907-697-2654



Executive Summary

Proposed Compendium Changes for 2008

Glacier Bay National Park & Preserve

Glacier Bay National Park & Preserve is seeking public comment on the park's proposed 2008 Superintendent's Compendium. The attached proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions imposed under the Superintendent's discretionary authority. The National Park Service adopted new regulations on vessel management in Glacier Bay. Additionally, regulations applicable to Alaska national park areas were renumbered. These changes are reflected in this proposed compendium. After review and consideration of the need for annual updates, the park proposes several changes:

1.6(f) Compilation of activities requiring a permit

The following activities now require a permit under revised servicewide boating regulations:

- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19

2.10(d) Food storage: designated areas and methods

The following is proposed to be removed from 2.10(d), Definition of bear resistant container:

- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);

The reasons for this restriction are as follows:

- The park is proposing to remove items approved by the National Park Service's Sierra Interagency Black Bear Group (SIBBG). Containers approved by the SIBBG include Ursacks and Bear Vaults. These two containers have shown to be insufficient deterrents to bears gaining access to the contents.

The reasons less restrictive measures will not be effective are as follows:

- Based on this, the preventive measures cannot be made less restrictive for NPS areas in Alaska regardless of the recommendation suggested by the SIBBG.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

The park is proposing to remove the reference to the NPS landfill because the park no longer operates a landfill. Proposed text:

Dumping of refuse brought into the Park or Preserve in NPS trash receptacles is prohibited unless otherwise authorized by the superintendent. This does not preclude PRIVATE boaters from using trash receptacles at the Public Use Dock.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park.

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from the park; violation of the terms and conditions of the permit is prohibited.

The reasons for this restriction are as follows:

- This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

The reasons less restrictive measures will not be effective are as follows:

- How to protect park resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the park and the boater maximum flexibility to address the specific circumstances at hand when removing disabled vessels.
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13.1152(a) Private vessel permits and conditions

- Advance-notice permits: 14 of the 25 daily permits may be reserved up to 60 days in advance. Once reserved, Advance-notice permits must be confirmed with the park within 48 hours of the scheduled arrival. Permits not confirmed through the park's Visitor Information Station by 10:00 a.m. on the scheduled date of arrival, will be cancelled and made available for reissue.
- Short-notice permits: 10 of the 25 daily permits may be reserved up to two days in advance.

The reasons for this change in allocation are as follows:

1. The Environmental Impact Statement (EIS) on which the new vessel management guidelines are based used an allocation of 14 advance-notice and 10 short-notice permits as an example.

2. Increasing the number of advance-notice permits by four will allow boaters traveling great distances greater opportunity to book in advance.

The reasons less restrictive measures will not be effective are as follows:

1. Less restrictive measures will not be in compliance with the EIS and the Record of Decision.

13.1152(a) Private vessel permits and conditions

- A permit is considered cancelled when 1) the vessel leaves Glacier Bay Proper and is not intending to return within one day or 2) the vessel enters Bartlett Cove waters as defined in 36 CFR 13.1156(b) and is not intending to leave within one day.

Length of Stay

- If additional vessel use days are unavailable, a vessel may remain anchored for up to seven additional days without motorized operation at Blue Mouse Cove, Sandy Cove, or Bartlett Cove. If the vessel leaves an anchorage without obtaining a permit or permit extension it must proceed directly out of the Bay. A person may not hold a permit for more than fourteen (14) days in any twenty-one (21) day period.
- Better defines permit limitations and prevents misuse of permit system by requiring that permit holders use the permit for consecutive use days

The reasons for this condition are as follows:

1. The original intent of this condition was to assure booking of private vessel permits only for days when a vessel is in an area requiring a permit. The waters outside Glacier Bay proper and Bartlett Cove waters as defined in 36 CFR 13.1156(b) do not require a private vessel permit.
2. This condition prevents misuse of the permit system by precluding boaters from booking consecutive day permits for non-consecutive voyages. Such misuse reduces the number of permits available to boaters actually planning to voyage in an area needing a permit.
3. Owners of permitted moorings were forced to anchor out, rather than use their moorings, resulting in greater benthic disturbance to Bartlett Cove, a heavily used anchorage.

The reasons less restrictive measures will not be effective are as follows:

1. The proposed rewording of this condition simplifies the original intent of this condition and makes use of Bartlett Cove waters less restrictive and confusing.
2. Less restrictive measures that would not cancel permits that individuals do not intend to use results in fewer permits available for other park visitors.
3. The proposal also relaxes the restriction on permittees who have moorings by not requiring them to anchor out their boat.

13.1178 Closed waters, islands and other areas

From May 1 through August 31, it is prohibited to operate a vessel or otherwise approach within 100 yards of the following four islands:

- Island at the entrance to Scidmore Bay and Charpentier Inlet (longitude W 136 degrees, 31.9', latitude N 58 degrees, 45.4')
- Island southeast of Tlingit Point (longitude W 136 degrees, 10.6', latitude N 58 degrees, 45.0')
- Island northwest of Eider Island (longitude W 135 degrees, 57.2', latitude N 58 degrees, 31.3')
- Sealers Island (longitude W 136 degrees, 07.4', latitude N 58 degrees, 57.6')

The reasons for this restriction are as follows:

1. Islands are effective refuges from terrestrial predators where nesting birds tend to concentrate over a small area. Because bird nesting/fledging activity (as well as camping, hiking, and vessel activity) in Glacier Bay is concentrated during the summer months, the restriction is only seasonal.
2. In-depth scientific study has shown that:
 - Ground-nesting marine birds are vulnerable to human disturbance where visitors can access nest sites during the breeding season.
 - Human disturbance of nest sites can be significant because intense parental care is required for egg and hatchling survival, and repeated disturbance can result in reduced productivity or total abandonment.
 - Temporary nest desertion by breeding birds in disturbed areas has been shown to increase predation on eggs and hatchlings.
 - Human disturbance of ground-nesting birds may also affect incubation schedules and adult foraging success, which in turn can reduce breeding success.
 - Human activity can result in colony failure when disturbance prevents the initiation of nesting.
3. Total area lost to human use is minimal, about 9.9 acres above the high-tide line.
4. Statutory restrictions are impractical. The Park Compendium is reviewed annually, with revisions made at the Superintendent level. If monitoring determines that birds no longer nest in a closed area, the closure can be lifted on fairly short notice.

The reasons less restrictive measures will not be effective are as follows:

1. While some levels of human disturbance may cause a temporary change in behavior or physiology of birds (for example, walking away from the nest and returning, or raising the heart rate for a short time), these types of disturbance may not adversely affect breeding success, according to some scientific literature.
2. Bird use of evolving habitats changes over time. Nesting activity can shift fairly rapidly due to vegetative succession, beach accretion or erosion, ground disturbance, shifts in feeding areas, and other factors.

**GLACIER BAY NATIONAL PARK AND PRESERVE
COMPENDIUM
2008**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Glacier Bay National Park and Preserve, Gustavus, Alaska at (907) 697-2230 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

Sledding is permitted on park roads if persons or other traffic control devices are posted to warn approaching motorists.

This restriction is intended to provide maximum safety to sledders and motorists using the park road.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)

- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Nonmotorized watercraft on the Alsek River, 3.3, 43 CFR 36.11(d), (h)
- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands, 13.100-13.188
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.485(a)(1)
- Commercial fishing in the marine waters of Glacier Bay National Park, 13.1132 (b)
- Private vessels in Glacier Bay marine waters unless exempted under 13.1156, (13.1152)
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters unless exempted under 13.1156, (13.1154)
- Camping in Glacier Bay Proper, 13.1116
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11(f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

Superseded by 13.35(c)(4), 13.35(d), 13.85(b), 13.1184.

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue
No designated areas or conditions.

2.1(b) Designated trails
No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions
Superseded in part by 13.35(c) and 13.485(b).

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas
See also 13.40(d)(5).

2.2(e) Designated areas for wildlife viewing with artificial light
No areas designated for closure.

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe
No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks
All areas are designated as open for fishing from motor road bridges and boat docks except the Bartlett Cove fuel dock.

By Coast Guard regulation, a public fuel dock may only be occupied by individuals engaged in the act of fueling. The Bartlett Cove fuel dock may only be used while fueling a vessel.

2.4(a)(2)(i) Carrying, using, or possessing weapons at designated locations and times
Weapons and traps may not be carried or used within areas designated as in the former Glacier Bay National Monument. (Note: see 2.4(a)(3), which authorizes possession of unloaded weapons that are either inoperable or inaccessible weapons in vehicles and vessels). Superseded by 13.30(b)-(f) in the Park additions and Preserve.

The intent of this requirement is to provide maximum wildlife protection by not allowing the carrying of weapons or traps within the Park unless the weapon is broken down or made inaccessible during transport. Weapons or traps may be carried within the Preserve during times the taking of fish or wildlife is authorized by State law.

2.10(a) Camping: conditions and permits

Superseded in part by 13.25(a), 13.1124(a).

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and
- Items approved by the Superintendent.

(2) Throughout the park, all food (except legally taken game) and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

For the Bartlett Cove Developed Area, see 13.1124(b)-(c).

The intent of these designations is to prevent bears and other wildlife from obtaining and becoming conditioned to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor center in Bartlett Cove.

See also 13.1124.

2.11 Picnicking: designated areas

Superseded by 13.26.

2.13(a)(1) Fires: designated areas and conditions

Campfires may be lighted and maintained in the following areas:

Within 1 mile of Bartlett Cove – Unless otherwise authorized by the superintendent, fires are only allowed in the designated campground beach fire ring(s).

Within 1/2 mile of the Alsek River - Fires must be contained inside a fire pan, except at Dry Bay.

All Other Areas - Fires are allowed in backcountry areas below the high tide line, or more than one-quarter mile from marine shorelines. For the purposes of this section, *high tide* is defined as the line delineated in the intertidal area by the last high water mark of the preceding highest tide.

All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.

The intent of this requirement is to allow for fires in the backcountry while ensuring that resource impacts associated with fires are minimized. The geography of the areas suitable for camping has caused repetitive use of the same campsites. The use of fire pans and constructing fires below the high tide line helps ensure that hardened campfire sites and buildup of ash piles will not occur.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of refuse brought into the Park or Preserve in NPS trash receptacles is prohibited unless otherwise authorized by the superintendent. This does not preclude PRIVATE boaters from using trash receptacles at the Public Use Dock.

This requirement is intended to ensure the refuse handled by the park is generated by activities occurring within the park.

2.14(a)(5) Sanitation: designated areas for bathing and washing

No designated areas; therefore, unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets or fixtures is prohibited.

2.14(a)(7) Sanitation: designated areas for disposal of fish remains

There are no designated areas.

Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Human body waste will either be removed as trash or deposited in cat-holes dug at least 100 feet from any surface freshwater source and at least 6 inches deep.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

Toilet paper will be burned or removed as trash.

2.15(a)(1) Areas designated as closed to pets

Within the Park – Pets on leash, crated, or otherwise under physical restraint are permitted in the developed area of Bartlett Cove from the Public Use Dock area to the Park Service administration area. Pets are prohibited—

- Beyond 100 ft. of established roads or parking areas; and
- Outside the Bartlett Cove Developed Area, except in a vessel on the water.

Within the Preserve - Pets on leash, crated, or otherwise under physical restraint are permitted.

This restriction limits the free-range of pets within the park to protect wildlife and park visitors from harassment. In all areas where pets are allowed, pets must be leashed or physically restrained at all times.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.460(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited at present. Aircraft access to the Public Use Dock in Bartlett Cove is permitted. See also 13.1122 regarding dock use restrictions.

2.17(c)(1) Conditions for removing downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).

Superseded by 36 CFR 13.460 for subsistence uses.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities in 2.19(a).

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas or routes.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited on the Fuel Dock and within 100 feet of the underground fuel storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities on and adjacent to the dock.

2.22 Property: leaving property unattended for 24 hours

Superseded by 13.45, 13.1122(c).

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

All areas are open to public assemblies with a permit from the superintendent.

2.52(e) Sale and distribution of printed matter: areas designated for such use

All areas are open to distribution with a permit from the superintendent.

2.60(a)(3) Designated areas for grazing

No areas designated for agricultural grazing of livestock in Glacier Bay National Park.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

- Commercial fishing vessels in the marine waters of Glacier Bay National Park must have a permit pursuant to (13.1132)
- Private vessels in Glacier Bay marine waters must have a permit unless exempted under 13.1156 pursuant to 13.1152
- Cruise ships, tour vessels, and charter vessel in Glacier Bay marine waters must have a permit unless exempted under 13.1156 pursuant to 13.1154
- Vessels- A permit is required for non-commercial use within the Alsek River corridor above Gateway Knob between May 1 through September 30.

See also Private Vessel Permits, 13.1152-13.1154.

3.7 Personal Flotation Devices: designated times and/or activities

No designated times or activities. PFDs must be worn in accordance with 33 CFR part 175.

3.8(a)(2) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.8(a)(4) Operating a vessel in excess of designated length, width, or horsepower

No designations at present.

3.8(b)(3) Operating a vessel in excess of flat wake speed in designated areas

Operating a vessel in excess of 5 mph or creating a wake within 300 ft. of the Bartlett Cove Public Use Dock is prohibited. (newly designated area)

Vessels operated at excessive speeds or creating wakes in proximity to the Bartlett Cove Public Use Dock create safety hazards and cause property damage to park visitors and their vessels while at the dock.

3.12(a) Water skiing: designated waters

No areas designated open.

3.14(a) Conditions for removing sunken, grounded, or disabled vessels

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

3.16 Swimming and wading: areas designated as closed

All areas are open to swimming and wading.

3.17(a) Designated swimming areas and beaches

No designated areas.

3.17(c) Use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or beaches

No restrictions at present.

3.18(a) SCUBA and underwater diving: closures and restrictions

SCUBA diving is authorized at the Public Use Dock and in the mooring area at Bartlett Cove to inspect and repair vessels, or retrieve equipment.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

No routes or areas designated.

See also 13.40, 43 CFR 36.11(g).

4.11(a) Load weight and size limits: permit requirements and restrictive conditions

See 13.1124(b).

4.21(b)-(c) Speed limits: designation of a different speed limit

The speed limit in the Bartlett Cove developed area, and on the park road between Bartlett Cove and Gustavus, is 20 mph, except as otherwise posted

Road improvements (paving, grading, and engineering) which have brought the road in the developed area up to Federal Highway standards, along with an assessment period to monitor safety and traffic flow, allow the NPS to increase the speed limit 5 mph along this section of road without unduly sacrificing safety or resource protection concerns.

4.30(a) Routes designated as open to bicycles

Superseded by 13.1126, 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

13.25(a)(1) Temporary closures and restrictions to camping

- Group size is limited to a maximum of 12 persons. The superintendent may authorize an exception for educational groups.

This restriction is also derived from the Wilderness Visitor Use Management Plan and is intended to minimize impacts on resources and other park visitors.

Alsek River– between May 1 through September 30

- Group size is limited to a maximum of 15 persons, except specific commercial groups limited to 25 persons under concession permit.

The limitation on group sizes is derived from the 1989 Alsek River Visitor Use Management Plan and is intended to minimize impacts on resources and other visitors.

- Campers may camp only one night at each of the following areas: Walker Glacier, Alsek Spit and Gateway Knob. However, campers may choose to layover one additional night at one of these areas. (4 camping nights allowed among these 3 locations.)

This restriction is intended to provide equitable public use of these very popular Alsek River campsites.

13.25(a)(2) Site time limits: authorization to exceed 14 day limit at one location

See also 13.1116.

13.25(a)(3) Designated campgrounds: restrictions, terms, and conditions

See also 13.1124(a).

13.26 Picnicking-areas where prohibited or otherwise restricted

No restrictions at present.

13.30(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions.

See also 2.4(a)(2)(i) for the former Glacier Bay National Monument.

13.35(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas or conditions at present.

13.35(f)(1) Natural features: size and quantity restrictions for collection

No restrictions at present.

13.35(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

13.40(c) Restrictions on activities related to commercial fishing rights or privileges in the Dry Bay area

In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix B and on existing trails to and from gill net sites. See also 43 CFR 36.11(g)(2).

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife

No closures at present where hunting is authorized. See applicable State of Alaska hunting regulations. Hunting is prohibited in Glacier Bay National Park.

13.45(b)(1)-(6) Exceptions to unattended or abandoned property

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

13.45(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

- Caches left for more than 30 days will be considered abandoned and may be removed or impounded by Park Rangers. A Special Use Permit may be requested from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 30 days. All such requests must be made in writing to the Superintendent at Glacier Bay National Park & Preserve, P.O. Box 140, Gustavus, AK 99664.

Experience indicates that caches older than 30 days are usually abandoned. This restriction is intended to limit abandonment of personal property in the park and impacts to resources and other park users. Provisions are provided for longer-term storage of gear where warranted with permission of the Superintendent. A written determination of need per 36 CFR § 1.5(c) is on file at park headquarters.

- Fuel caches will be limited to one location, and may contain no more than 10 gallons of fuel or any combination of fuel types.
- Parking.
 - Main parking lot: Leaving vehicles, trailers, or other property unattended longer than 24 hours in the main parking lot adjacent to the Bartlett Cove Public Use dock is prohibited.
 - Upper lot and overflow lots: Leaving vehicles, trailers, or other property unattended longer than 14 days in the upper parking lot above the park fuel dock or in the overflow lot near the park housing area is prohibited.
 - Vehicles, trailers, or other property must be removed from the parking lots for at least 12 hours between parking limit periods.
- Personal kayaks and boats may not be left unattended on beaches within the Bartlett Cove Developed Area outside of designated areas. The designated areas are: above

the intertidal area on provided racks beneath the fuel dock, or within 150 yards of the administrative dock.

The small sandy beach located between the Public Use Dock and the boat launch ramp is considered ceremonial by the Huna Tlingit, and carries significant cultural importance to the native community. Out of respect for the wishes of the original people of Glacier Bay, the NPS is requiring storage of kayaks and other vessels be moved from this beach to a nearby location which does not conflict with this need. Designated locations for kayak and small boat storage in the Bartlett Cove Developed Area are necessary to maintain the visual aesthetic values of this highly visited area, and to prevent proliferation of small craft scattered all along the shoreline which impedes wildlife and human foot traffic, and damages vegetation.

13.50(h) Facility closures and restrictions

No restrictions at present.

13.122 Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.160 Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

During the Federal subsistence moose hunt in the fall, the East River Public Use Cabin at Dry Bay may be reserved by local rural residents at no charge via the NPS Office in Yakutat.

This provision allows subsistence users to share and use the East River Public Use Cabin during the federal subsistence moose hunt.

13.166 Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

There is no fee for the use of the East River Cabins for subsistence purposes during the fall moose hunt. The cabin must be reserved through the NPS office in Yakutat.

13.170 Designated cabins or other structures for general public use

The East River cabin in the Preserve is designated as a public use cabin.

The East River cabin is a short-term, public use cabin.

13.172 Established conditions and allocation system to manage the use of designated public use cabins

A reservation and permit, available through the NPS Ranger Station in Yakutat, are required for use of the East River Public Use Cabin. An overnight public use fee will be charged for the cabin, with exception noted under § 13.160 of this compendium.

13.188(b) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove all temporary facilities not under permit and all personal property. Sites must be returned to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.460 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.485(a)(1) Permit specifications for harvesting live standing timber greater than 3" diameter for subsistence purposes (house logs & firewood)

Cutting of live standing trees greater than 3" in the Park is prohibited. The superintendent may allow subsistence harvest of live standing trees greater than 3" in the Preserve subject to the terms and conditions of a permit issued by the superintendent.

13.485(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

Cutting of live timber is not authorized within the Park. Verbal or written permission from a park ranger is required to cut live timber less than 3" in diameter in the Preserve, except as necessary to clear designated vehicle routes and airstrips.

GLACIER BAY NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS

13.1114 Collection of goat hair

Goat hair may be collected for cultural purposes with written authorization from the superintendent.

13.1120 Bartlett Cove Developed Area (BCDA): closures and restrictions

No closures or restrictions at this time.

13.1122(b)-(h) Bartlett Cove Public Use Dock

Exceptions are made on a case by case basis. Contact park headquarters for more information.

13.1124(b) Bartlett Cove Campground: designated areas for cooking, consuming, and preparing food

Food will be cooked, prepared and consumed in the intertidal zone adjacent to the campground.

13.1124(c) Bartlett Cove Campground: designated areas for food storage in the Bartlett Cove Campground

Marked food storage caches are located in the Bartlett Cove Campground

13.1130(a) Commercial Fishing. List of existing fisheries and gear types for the park's outer waters:

- King Crab, Pot
- Tanner Crab, Pot and Ring
- Dungeness Crab, Pot
- Weathervane Scallop, Dredge
- Shrimp, Pot
- Pacific Salmon, Troll
- Chum Salmon, Purse Seine
- Pacific Halibut, Longline
- Groundfish, Dinglebar and Longline

The commercial fisheries listed above are those fisheries which have, at the time of the 1998 legislation regarding commercial fishing in the park (P.L. 105-277), been established legally in outside waters. All fisheries are subject to current state and Federal regulations and emergency closures, which should be referred to prior to engaging in any fishery in Glacier Bay National Park & Preserve.

13.1130(d) Commercial Fishing. Maps and charts showing marine waters of Glacier Bay that are closed to commercial fishing

See Appendix C.

13.1152(a) Private vessel permits and conditions

In Glacier Bay from June 1 through August 31 an individual must have a permit from the NPS issued for a specific vessel for a specific period of time unless exempt under 13.1156.

Obtaining Private Vessel Permits

Private motor vessel permits are only required for Glacier Bay proper, and only for the months of June, July, August. The following procedures and conditions apply to the issuance and use of private motor vessel permits:

- All private vessel permits will be allocated in such a manner that will prevent exceeding the maximum daily presence of no more than 25 private vessels in Glacier Bay at one time.
- Permits may be obtained via telephone (907-697-2627), fax (907-697-2647), marine band radio (KWM20Bartlett Cove), by mail addressed to the Visitor Information Station at P.O. Box 140 Gustavus AK 99826 ,or in person at the Visitor Information Station at Bartlett Cove.
- Advance-notice permits: 14 of the 25 daily permits may be reserved up to 60 days in advance. Once reserved, Advance-notice permits must be confirmed with the park within 48 hours of the scheduled arrival. Permits not confirmed through the park's Visitor Information Station by 10:00 a.m. on the scheduled date of arrival, will be cancelled and made available for reissue.
- Short-notice permits: 10 of the 25 daily permits may be reserved up to two days in advance.

- Transit permit: One permit will be available as a transit permit, to be used only to directly exit Glacier Bay from Bartlett Cove and to return directly to Bartlett Cove by vessels that have originated in Bartlett Cove. A Transit permit may be reserved up to 24 hours in advance only for the time required for transit. Reservations for this permit must be received between the hours of 7:00 am and 9:00 pm. The Transit permit may be made available to more than one vessel per day; however, it may only be used by one vessel at a time, and cannot be reissued until the former holder of the permit has completed their transit in Bartlett Cove or outside Glacier Bay.
- Private vessel permits shall be issued in the order in which applications are received.
- A person may not hold more than 2 permits, excluding a transit permit, for a vessel at any time.
- A permit is considered cancelled when 1) the vessel leaves Glacier Bay Proper and is not intending to return within one day or 2) the vessel enters Bartlett Cove waters as defined in 36 CFR 13.1156(b) and is not intending to leave within one day.

Length of Stay

- If additional vessel use days are unavailable, a vessel may remain anchored for up to seven additional days without motorized operation at Blue Mouse Cove, Sandy Cove, or Bartlett Cove. If the vessel leaves an anchorage without obtaining a permit or permit extension it must proceed directly out of the Bay. A person may not hold a permit for more than fourteen (14) days in any twenty-one (21) day period.
- Better defines permit limitations and prevents misuse of permit system by requiring that permit holders use the permit for consecutive use days

13.1184 Rules for the safe and equitable use of Bartlett Cove waters and docks.

The following use restrictions are for the safe and equitable use of park facilities:

January 1 - December 31

- Dock space on the Public Use Dock is assigned for use by private vessels and administrative needs of the Park (NPS vessels, Day Tour boat for concessionaire etc.) and aircraft as depicted in Appendix A. Parking in a space otherwise reserved is prohibited.
- Residing on a vessel within Bartlett Cove for more than fourteen days during any time period is prohibited unless otherwise authorized by the superintendent.

Bartlett Cove Waters

- The discharge of “blackwater” (water contaminated with human waste) is prohibited in Bartlett Cove waters.
This requirement is to limit the discharge of human waste that might complicate the water quality monitoring by the park.
- The placement of temporary moorings is authorized to the north or east of the Public Use Dock, provided they are at least one-quarter mile from the dock. These moorings must meet applicable marking requirements, may not be installed prior to April 1, and must be removed by November 1 in a given calendar year. Contact must be made with the Protection Ranger prior to placement of a mooring and Mooring Buoy Agreement signed.

These limitations are necessary to ensure that fixed moorings not preempt the most convenient anchorage locations or impede access to the dock, are properly tended, and are temporary rather than permanent fixtures.

- Anchoring vessels within 300 ft. of the Public Use Dock is prohibited. The No Anchor Zone is depicted in Appendix A of this compendium. The placement of buoys, markers, or lines (including fishing gear) is authorized to the north or east of the Public Use Dock, provided they are at least one-quarter mile from the dock. This limitation is necessary to ensure adequate room for safe maneuvering of vessels and aircraft accessing and departing from the Public Use Dock.

- Anchoring in the inner lagoon area is limited to 7 consecutive days unless otherwise authorized by a park ranger.

The inner lagoon is known and used by local residents as a storm anchorage. These limitations are intended to accommodate short-term use of the lagoon, which is limited in size, but preclude long-term use that limits opportunity for use by other visitors or local residents.

- No buoys or lines may be placed inside the inner lagoon unless otherwise authorized by a park ranger.

This limitation is intended to ensure clear and safe passage for all vessels transiting the inner lagoon, and availability of the lagoon for temporary storm anchorage use.

May 1 - September 15

- Vessels may dock at the Public Use Dock for a maximum of three hours in any 24-hour period, unless otherwise authorized by a park ranger.

This provides flexibility to allow longer docking periods on a space available basis to complete boat repairs, etc.

- Vessels less than 10 ft. in length, used exclusively as a dinghy for transportation between a boat and the dock, may dock in the designated dinghy area (see Appendix A)."

This allows overnight docking of small vessels (<10') commonly used as tenders for larger vessels.

- Trailers specifically designed for transport of kayaks and canoes are allowed on the dock when authorized by a park ranger. However, when backing, the trailers must be detached from the tow vehicle and backed by hand. All other trailers and commercial passenger-carrying vehicles (such as B&B vans, taxis and buses) are prohibited from driving onto the dock unless authorized by a park ranger.

- A park ranger may authorize temporary public use of the Administrative Dock on a space available basis. Use will be limited to 3 consecutive days during the peak use season, May 1 - September 30, and 7 consecutive days the remainder of the calendar year.

This accommodates visitor and local resident use of the administrative dock for repairs, etc., on a space available basis.

Sept. 16 – April 30

- Vessels may tie up to the Public Use Dock for up to ten consecutive days. Vessels must leave the dock for at least one 24 hr. period for each period of 10 consecutive days. All vessels

tying up to the dock must register with a park ranger on the initial day of each docking period.

This relaxation of summer docking limits allows for more flexible use of the dock during the winter season when weather is inclement and vessel movement is more difficult, yet still prevents long term storage of vessels on the public dock.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

No closures at present.

See also 2.18.

36.11(d) Temporary closures to the use of motorboats

The use of motorized boats is prohibited on the Alsek River at Alsek Lake above Gateway Knob between April 1 through October 31 in accordance with the approved Alsek River Visitor Use Management Plan (1989).

This restriction is to ensure the wilderness experience of visitors rafting the Alsek River is minimally disrupted by powerboats. Congress directed that the Alsek River corridor be managed to preserve its outstanding wilderness characteristics.

See also 3.3, 3.6, and Subpart N.

36.11(e) Temporary closures to the use of non-motorized surface transportation

Vessels- A permit is required for non-motorized surface transportation within the Alsek River corridor above Gateway Knob between May 1 through September 30.

This requirement is necessary to manage public use of the Alsek River corridor in accordance with the Alsek River Visitor Use Management Plan (1989). The Plan seeks to manage use for no more than one party initiating travel within the river corridor each day. This use level would be exceeded without the current permit and management system.

Permits for the Alsek River can be obtained by contacting the NPS office in Yakutat, Alaska, phone (907) 784-3370.

See also 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix B and on existing trails to and from gill net sites.

Please see the attached appendices for maps and/or more extensive determinations below.

This compendium is approved and rescinds all previous compendiums issued for Glacier Bay National Park and Preserve.

/s/ Cherry Payne

Superintendent

12/14/07

Date

List of Attachments

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.1122

Appendix B: Areas Open to ATVs, 13.40(c), 43 CFR 36.11(g)(1)

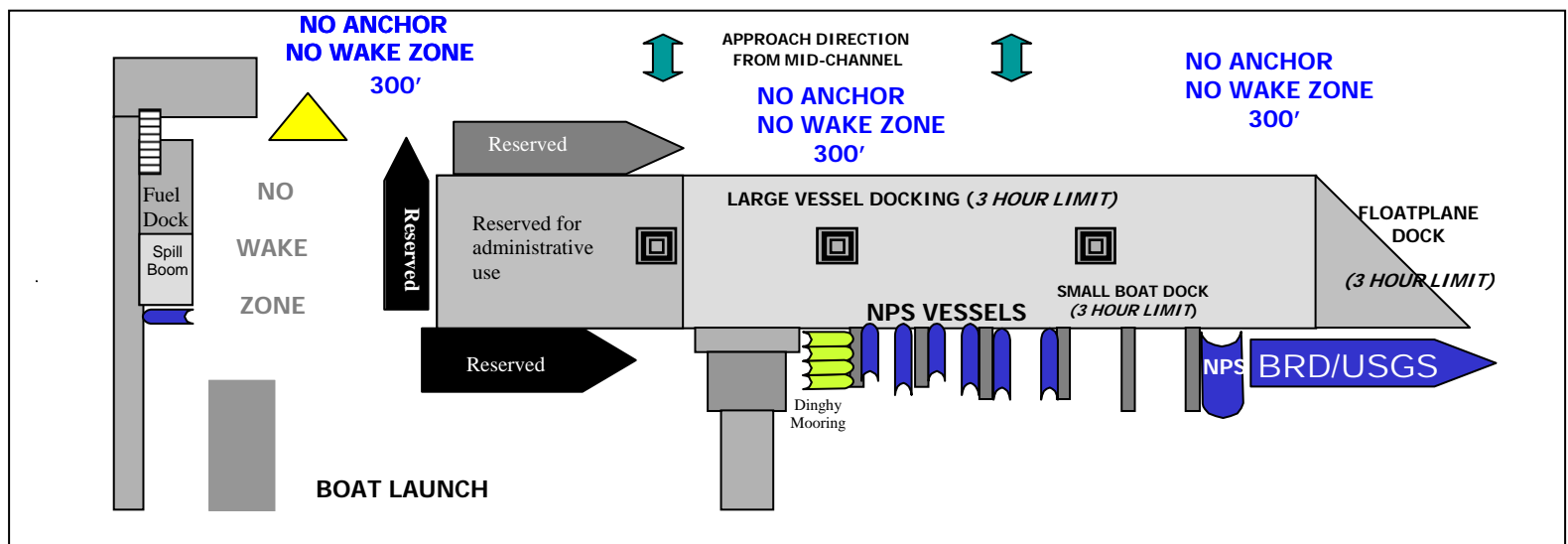
Appendix C: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing

Appendix A: Restrictions on the Use of Bartlett Cove Docks, 13.1122

Rules for the safe and equitable use of Bartlett Cove waters and docks: Bartlett Cove Public Use Dock.

GUIDE TO DOCKING

Bartlett Cove Public Use Dock



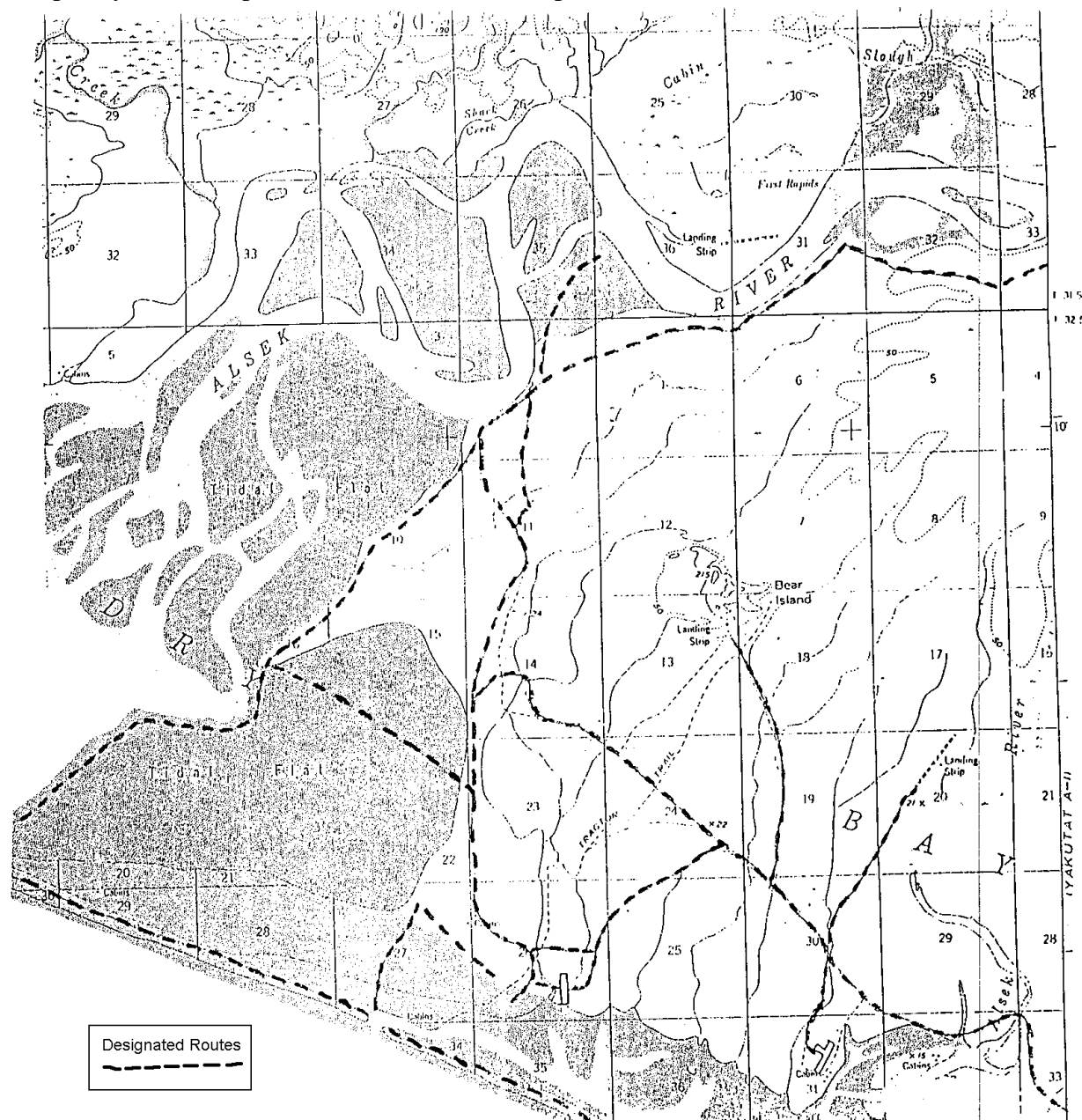
Appendix B, Areas open to ATVs, 43 CFR 36.11(g)(1), 36 CFR 13.40(c)

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

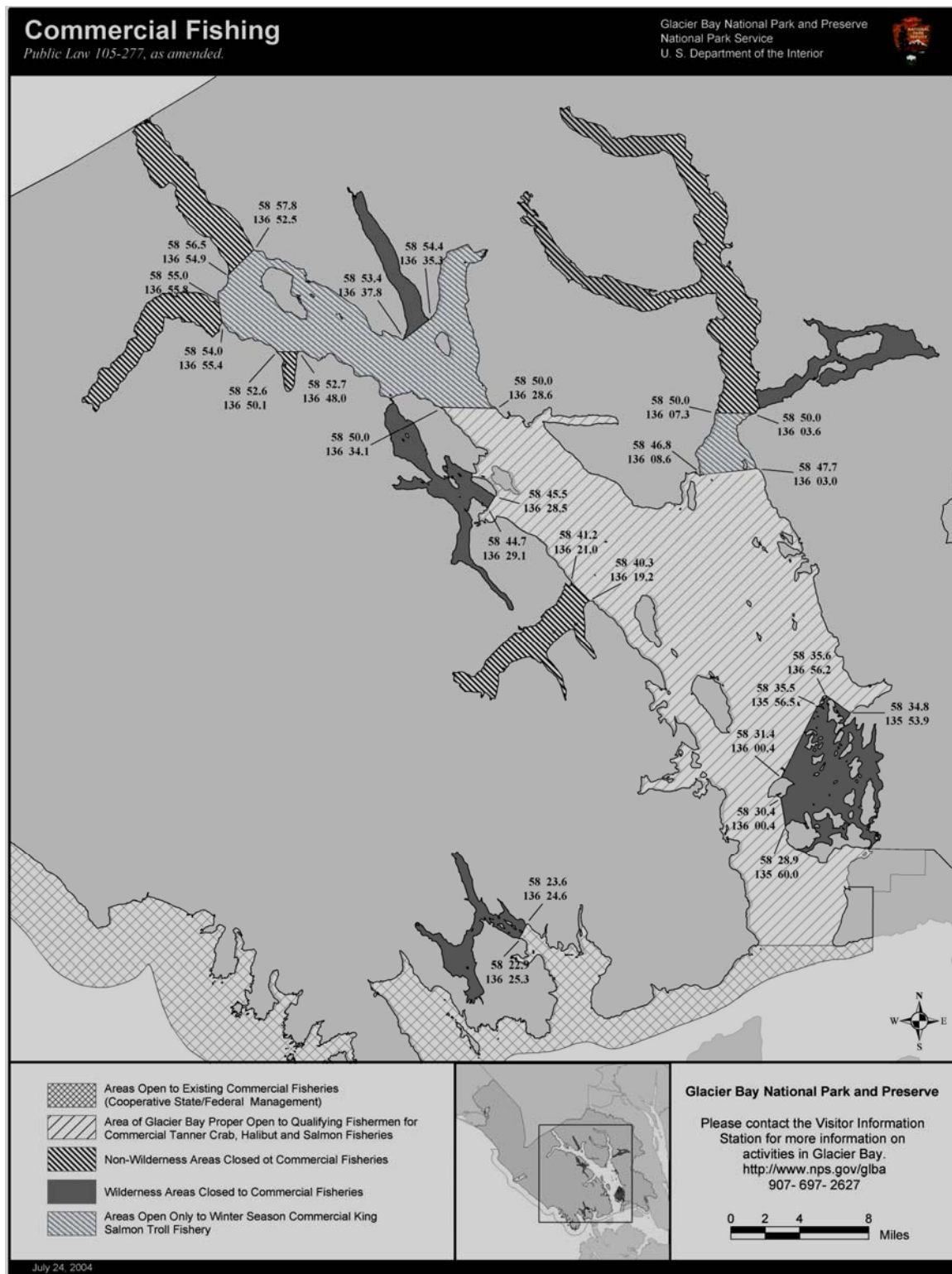
In Glacier Bay National Preserve, off-road vehicles are allowed with a permit only on the existing trails shown on the map in Appendix B and on existing trails to and from gill net sites.

ANILCA § 205 Use of ATVs associated with commercial fishing

ATV use for commercial fishing purposes are allowed inside the boundary of the designated Temporary Fish Camp Zone identified on the map below.



Appendix C: Maps and Charts of Glacier Bay Marine Waters Closed to Commercial Fishing, 13.1146



The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food source. Obtaining human food may adversely affect behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands and are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to conditioning to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become conditioned to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in the environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
 - Park supplied bear resistant food storage containers (BRFC) are available at park headquarters.
3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.
4. The food storage conditions imposed under this section allow for a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84-5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
 - If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Unattended vehicles, trailers, boats, and other property at Bartlett Cove parking lots

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(c) and 13.22(c), the Superintendent of Glacier Bay National Park and Preserve has determined that time limit are necessary to allocate the limited parking spaces in Bartlett Cove.

The reasons for this restriction are as follows:

- On several occasions this past summer, the upper parking lot above the fuel dock was full with vehicles, trailers, boats and other unattended private property. Some of this property was being stored in the park, and was not moved for weeks or months at a time. Or, in the case of boats on trailers, were used occasionally in the bay but sat in the parking lot for extensive periods when not being used. Public parking space is extremely limited in Bartlett Cove and there is simply not enough space to accommodate long term storage of boats, vehicles, or other private property. Further, long term storage of private property is not appropriate in a heavily used area that fills to capacity during the main part of the summer. This lot generally has a high turnover rate with cars coming and going in this area. Individuals who go on extended trips into Glacier Bay (up to 14 days) may leave their vehicles and trailers at the upper lot and overflow lot.

The reasons less restrictive measures will not be effective are as follows:

- Allowing individuals to leave property unattended for longer periods at the main parking lot would preclude short term day users from finding suitable parking space in proximity to the dock area.
- Current regulations are unclear regarding how long vehicles or boat trailers (with or without boats) may be left in the parking lots.
- A clear guideline in the form of regulation is needed to establish how long a period is appropriate to be able to leave a vehicle or boat trailer in the park. The agency does recognize that some users conduct multi-day recreational or commercial trips out in the bay, and may have the need to leave something parked in the lot for more than a day. However, the 14 days should accommodate the vast majority of multi-day users.

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Sanitation and refuse: conditions using government receptacles

Pursuant to Title 36 of the Code of Federal Regulations, 2.14(a)(2), the Superintendent of Glacier Bay National Park and Preserve has established conditions for using government refuse receptacles or other refuse facilities for dumping household, commercial, or industrial refuse, brought as such from private or municipal. As the NPS no longer operates a landfill, restriction on use of this refuse facility is no longer needed.

Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Private vessel permits and conditions

Pursuant to Title 36 of the Code of Federal Regulations, 13.1152, the Superintendent of Glacier Bay National Park and Preserve has determined the allocation of NPS permits required to operate a specific private vessel in Glacier Bay from June 1 through August 31 between short-notice and advance-notice needs to be changed. Advance-notice permits can be booked up to 60 days in advance. Short-notice permits can be booked up to 48 hrs. in advance.

The reasons for this change in allocation are as follows:

1. The Environmental Impact Statement on which the new vessel management guidelines are based used an allocation of 14 advance-notice and 10 short-notice permits as an example.
2. Increasing the number of advance-notice permits by four will allow boaters traveling great distances greater opportunity to book in advance.

The reasons for not changing the allocation are as follows:

1. Short-term planners will have four fewer short-notice permits available.